

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ICONOCLAST ADVISORS, LLC;
HOWARD CHALFIN,

Plaintiffs,

-v. -

GOBIG SOLAR, LLC and DAVID COX,

Defendants.

24 Civ. 4768 (KPF)

ORDER OF SERVICE

KATHERINE POLK FAILLA, District Judge:

Plaintiffs, who have indicated that they are proceeding *pro se*, paid the filing fees to commence this action.

The Clerk of Court is directed to issue summonses as to Defendants GoBig Solar, LLC and David Cox. Plaintiffs are directed to serve the summons and complaint on each Defendant within 90 days of the issuance of the summonses.¹

If within those 90 days, Plaintiffs have not either served Defendants or requested an extension of time to do so, the Court may dismiss the claims against Defendants under Rules 4 and 41 of the Federal Rules of Civil Procedure for failure to prosecute. *Cf. Meilleur v. Strong*, 682 F.3d 56, 63 (2d

¹ Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, the summons in this case was not issued when Plaintiff filed the complaint because he had not paid the filing fee. The Court therefore extends the time to serve until 90 days after the date the summons is issued.

Cir. 2012) (holding that it is the plaintiff's responsibility to request an extension of time for service).

Plaintiffs may receive court documents by email by completing the attached form, [Consent to Electronic Service](#).²

Finally, Plaintiffs are advised that, under the law of this Circuit, limited liability companies may not appear without counsel. *See Lattanzio v. COMTA*, 481 F.3d 137 (2d Cir. 2007) ("[W]e hold that a sole member limited liability company must be represented by counsel to appear in federal court."); *Jones v. Niagara Frontier Transp. Auth.*, 722 F.2d 20, 22 (2d Cir. 1983) (noting that a corporation cannot proceed *pro se*); *Joseph v. HDMJ Restaurant, Inc.*, 970 F. Supp. 2d 131, 142 (E.D.N.Y. 2013). Moreover, as a *pro se* litigant, Chalfin cannot act on behalf of another. *See U.S. ex rel. Mergent Servs. v. Flaherty*, 540 F.3d 89, 92 (2d Cir. 2008) ("[A]n individual who is not licensed as an attorney may not appear on another person's behalf in the other's cause." (internal quotation marks and citation omitted)); *Iannaccone v. Law*, 142 F.3d 553, 558 (2d Cir. 1998) ("[B]ecause *pro se* means to appear for one's self, a person may not appear on another person's behalf in the other's cause."). Accordingly, if Iconoclast Advisors LLC wishes to continue with this case, the Court will expect counsel for the LLC to file a notice of appearance promptly.

The Clerk of Court is directed to mail a copy of this Order of Service to Plaintiffs at their address of record.

² If Plaintiff consents to receive documents by email, Plaintiff will no longer receive court documents by regular mail.

SO ORDERED.

Dated: July 12, 2024
New York, New York



KATHERINE POLK FAILLA
United States District Judge